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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q65676

Kazuhiko HAYASHI

Appln. No.: 09/918,509

Group Art Unit: 2145

Confirmation No.: 3298

Examiner: Jefferey R. SWEARINGEN

Filed: August 1, 2001

For: SYSTEM, METHOD AND ACCOUNTING METHOD FOR INFORMATION DELIVERY

INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §§ 1.97 and 1.98

MAIL STOP AMENDMENT

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In accordance with the duty of disclosure under 37 C.F.R. § 1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the documents which are listed on the attached PTO/SB/08 A & B (modified) form and listed herein and which the Examiner may deem material to patentability of the claims of the above-identified application.

1. Japanese Patent Application Publication No. 10-187408, published July 21, 1998.
2. International Patent Application Publication No. 00/45593, published August 3, 2000.

One copy of each of the listed documents is submitted herewith.

The present Information Disclosure Statement is being filed: (1) No later than three months from the application's filing date; (2) Before the mailing date of the first Office Action on the merits (whichever is later); or (3) Before the mailing date of the first Office Action after

INFORMATION DISCLOSURE STATEMENT

U.S. Appln. No.: 09/918,509

Atty. Docket No.: Q65676

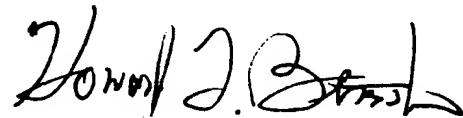
filing a request for continued examination (RCE) under §1.114, and therefore, no Statement under 37 C.F.R. § 1.97(e) or fee under 37 C.F.R. § 1.17(p) is required.

In compliance with the concise explanation requirement under 37 C.F.R. § 1.98(a)(3) for foreign language documents, Applicant encloses herewith a copy of a corresponding Japanese Office Action, dated August 1, 2006, and an English translation of the pertinent portions thereof which cites such documents and indicates the degree for relevance found by the foreign office.

The submission of the listed documents is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: October 11, 2006



Substitute for Form 1449 A & B/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

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of

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Complete if Known

Application Number	09/918,509
Confirmation Number	3298
Filing Date	August 1, 2001
First Named Inventor	Kazuhiko HAYASHI
Art Unit	2145
Examiner Name	Jefferey R. SWEARINGEN
Attorney Docket Number	O65676

U.S. PATENT DOCUMENTS

FOREIGN PATENT DOCUMENTS

NON PATENT LITERATURE DOCUMENTS

Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kind Codes of USPTO Patent Documents at www.uspto.gov, MPEP 901.04 or follow the hyperlink from the title of the document to the intranet. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST. 3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶Applicant is to indicate here if English language Translation is attached.



Q65676

In a Written Opinion dated July 4, 2006, the applicant asserts in particular, by way of differences between the present invention and the art described in the cited publications,

"(a) The information storage and reproduction device, during reproduction of a portion of the information, provides the information delivery means with information relating to the selected portion of information.

(b) The information storage and reproduction device reproduces the remainder of the stored information upon completion of reproduction of the portion of information.

In other words, in the present invention, by combining said (a) and (b), at the stage of reproduction of sample data, the information storage and reproduction device receives and stores the remaining data from the information delivery device, allowing the remaining data to be reproduced immediately without any time lag when reproduction of sample data has been completed.

On the other hand, Cited Literature 1, 2, and 3 lack any language suggesting a combination of (a) and (b), which characterizes the present invention," and amends the specification of the present application by an amendment of proceeding of the same date.

However, the point of acquiring data which will be needed next and which has not yet been acquired by downloading or the like during reproduction of acquired data was already no more than a well known technical matter at the time of filing of the present application in the technical field in question, as described for instance in Japanese Unexamined Patent Application Publication H10-187408 or International Publication WO 00/45593 (see (0007) of Literature 1 and page 49, lines 1-7 and page 60, lines 10-22 of Literature 2).

Whether or not to apply the aforementioned well-known data acquisition method to the art described in the cited publications is a matter of choice for those skilled in the art.